

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER-----X
RICHARD BROPHY

Plaintiff,

-against-

BIG BROTHERS BIG SISTERS OF AMERICA, INC.,
and FAMILY SERVICES OF WESTCHESTER, INC, dba
BIG BROTHERS BIG SISTERS OF FAMILY SERVICES
OF WESTCHESTER,Defendants.
-----X


Index No.

Date Purchased:

Plaintiff designates
WESTCHESTER
County as the place of trial.The basis of the venue is
Defendants' place of
business.**SUMMONS**

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
October 14, 2019

MICHAEL G. DOWD
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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RICHARD BROPHY,

Plaintiff,

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BIG BROTHERS BIG SISTERS OF AMERICA, INC.,
and FAMILY SERVICES OF WESTCHESTER, INC, dba
BIG BROTHERS BIG SISTERS OF FAMILY SERVICES
OF WESTCHESTER,

VERIFIED COMPLAINT

Defendants.

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Plaintiff, RICHARD BROPHY, by HIS attorney, MICHAEL G. DOWD, complaining of
Defendants, hereby alleges the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.

2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.

3. Venue is proper pursuant to CPLR § 503 because Westchester County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in Westchester County.

THE PARTIES

4. Defendant BIG BROTHERS BIG SISTERS OF AMERICA, INC., ("BBBS") is a non-profit District of Columbia corporation headquartered in Tampa, Florida and registered to conduct business in New York. Its website states, "By helping children develop supportive

relationships with positive role models, we make a direct and lasting impact on their lives.” Its national sponsors include Comcast NBC Universal, Reed Smith, Greenberg Traurig, Phillip Morris USA, Minor League Baseball, and Chuck E. Cheese. BBBS board members include Todd Wartchow, Head of Strategy at Wells Fargo Insurance; J. Heath Shuler, Senior Vice President of Federal Affairs at Duke Energy Corporation; Alan Bernon, Senior Advisor of Affiliate Division at Dairy Farmers of America, Inc.; and Wallace C. Arnold, Retired Major General of the United States Army and current Interim Assistant Provost at Hampton University. According to its website, BBBS “hold ourselves *accountable* to the 240,000 Bigs that are making a difference in the lives of children each and every day. And we hold ourselves accountable to a generation of children ready to be impacted by our programs.” (Emphasis added.)

5. BBBS’S website declares that “[m]aking the best possible match between Little and Big is critical to the growth and development of a child. But before we begin the matching process, we start by thoroughly screening potential Bigs.”

6. The website promises that “[t]hroughout the life of the match, our professional staff will be in ongoing communication with you, your child, and your child’s Big.”

7. BBBS operates through a national system of local affiliates including BIG BROTHERS BIG SISTERS OF FAMILY SERVICES OF WESTCHESTER, a BBBS affiliate run by not-for-profit New York corporation FAMILY SERVICES OF WESTCHESTER, INC. (“FSW”), located in Port Chester, New York, in Westchester County. BBBS and FSW are collectively referred to herein as “DEFENDANTS.”

8. According to its website, FSW'S BBBS affiliate provides "children facing adversity with strong and enduring professionally supported one-to-one relationships that change their lives for the better, forever."

9. FSW's website further states, "We operate under a Big/Little model, matching adult volunteers (our 'Bigs') with children (our 'Littles'). These meaningful and enduring relationships have proven to positively change our Littles' lives."

10. FSW represents itself online as "[a] volunteer youth mentoring organization supporting at-risk children from the Westchester County NY region."

11. The FSW website explains, "BBBS provides screening and education as well as guidance and support to ensure that every match is a success. A 'Mentor Manager' oversees every match, providing support to both mentor and youth participant"

12. The Plaintiff, RICHARD BROPHY (hereinafter "PLAINTIFF") was born on April 22, 1969. He is currently a resident of Loxahatchee, Florida.

13. At all times relevant to this complaint, PLAINTIFF was a member of a BBBS organization in Westchester, where a pedophile and child molester named GERRY BUELTMAN ("BUELTMAN") volunteered from at least approximately 1977 through 1985. Upon information and belief, that BBBS affiliate organization was BROTHERS BIG SISTERS OF FAMILY SERVICES OF WESTCHESTER, overseen and administered by FSW.

BACKGROUND

PLAINTIFF Enrolled with FSW and was Matched with a Pedophile and Child Molester while FSW Provided Little Oversight or Monitoring

14. In approximately 1977, PLAINTIFF was eight years old and lived with his mother and brother in North Tarrytown, New York, in Westchester County.

15. Upon information and belief, DEFENDANTS orient their business toward children who need an adult male or female role model because such a person is absent in their life. PLAINTIFF was one such child who needed a positive male role model in his life.

16. PLAINTIFF'S mother specifically sought out BBBS and FSW because she recognized that PLAINTIFF might benefit if he had a positive male role-model in his life.

17. Based on advertisements, promotions, and other community outreach efforts, PLAINTIFF'S mother had heard of BBBS and decided to contact its local affiliate to learn more about their program for her son.

18. Sometime in and around 1977, PLAINTIFF'S mother contacted the BBBS affiliate in Westchester County, believed to be FSW.

19. Upon information and belief, DEFENDANTS' representatives explained to PLAINTIFF'S mother that "Bigs" (the term DEFENDANTS use to describe the adult mentors who participate in DEFENDANTS' programs) and "Littles" (the term DEFENDANTS use to describe the children who participate in DEFENDANTS' programs) would attend events that DEFENDANTS held throughout the year such as bowling and fishing.

20. DEFENDANTS' representatives also informed PLAINTIFF'S mother that Bigs were allowed to schedule other activities with Littles outside the above-described events.

21. DEFENDANTS' representatives informed parents that Bigs and Littles could spend time alone once parents were "comfortable with the match." At no time did any of DEFENDANTS' representatives elaborate or provide further information as to precisely what they meant by being "comfortable with the match."

22. At no point did DEFENDANTS' representatives discuss the possibility of sexual abuse by Bigs, nor did they provide any written documents, videos, or any other information to

PLAINTIFF'S mother, as a parent, or PLAINTIFF, as a Little, on how to recognize and prevent the sexual abuse of Littles by Bigs.

23. DEFENDANTS never provided at the orientation, or at any time afterwards, any safety guidelines in written, video, or electronic form for parents or Littles concerning the Littles' interaction with Bigs.

24. DEFENDANTS never provided any details about the screening process for Bigs, nor did they discuss or provide any policies, practices, or procedures in any form that DEFENDANTS utilized to protect Littles from sexual abuse and exploitation by Bigs.

25. Following DEFENDANTS' representations, and convinced that DEFENDANTS' program would benefit PLAINTIFF, PLAINTIFF'S mother signed up PLAINTIFF to participate as a Little and took PLAINTIFF to an event orchestrated and overseen by DEFENDANTS where all the prospective Littles met in a large room, and all the prospective Bigs approached and selected the prospective Littles, including PLAINTIFF, to be their mentees.

26. Based upon the information and assurances she received from DEFENDANTS, PLAINTIFF'S mother relied upon and otherwise placed her trust in DEFENDANTS to match PLAINTIFF with a Big who would provide him with a positive mentoring experience.

27. At the matching event held in the large room, BUELTMAN approached PLAINTIFF and selected PLAINTIFF as BUELTMAN'S Little.

28. Upon information and belief, DEFENDANTS' purpose in arranging this event was to complete the matching process.

29. DEFENDANTS never discussed any limitations on interactions between BUELTMAN and PLAINTIFF outside of FSW and BBBS' sponsored events, including

telephone, post, in person, and other interactions. DEFENDANTS additionally never discussed or explained any warning signs PLAINTIFF'S mother should look for concerning inappropriate behavior by BUELTMAN including, but not limited, to sexual grooming and boundary violations.

30. At no point did DEFENDANTS mention the possibility of sexual abuse or explain how to recognize and prevent sexual abuse and exploitation of PLAINTIFF.

31. In fact, neither FSW nor BBBS nor any of their representatives ever addressed with PLAINTIFF'S mother or PLAINTIFF any issues related to sexual abuse by Bigs such as BUELTMAN.

**BUELTMAN Immediately Begins Grooming and Sexually Abusing PLAINTIFF
at and Attendant to FSW Sponsored Events and During Unsupervised Time**

32. Upon information and belief, following the introductory meeting described above, BUELTMAN immediately began taking PLAINTIFF to FSW and BBBS sponsored events. PLAINTIFF and BUELTMAN also participated in unsupervised events such as going to Disney World, Florida, the Jersey Shore, and other places.

33. BUELTMAN would often transport PLAINTIFF to and from FSW sponsored events, and to and from unsupervised events.

34. PLAINTIFF attended numerous FSW and BBBS sponsored events with BUELTMAN in the first year they were matched.

35. Soon after DEFENDANTS matched PLAINTIFF with BUELTMAN, BUELTMAN started to groom PLAINTIFF for sexual abuse and exploitation.

36. BUELTMAN'S sexual abuse and exploitation of PLAINTIFF began during the first year after they were matched.

37. BUELTMAN groomed PLAINTIFF for sexual abuse through buying PLAINTIFF presents, including the then-new Atari videogame system, through violating PLAINTIFF'S appropriate boundaries, including through having PLAINTIFF sit on BUELTMAN'S lap by claiming that is "how fathers and sons act," and in other ways.

38. PLAINTIFF and BUELTMAN remained matched through DEFENDANTS' programs for approximately eight years, until approximately 1985.

39. During this entire period, BUELTMAN was sexually abusing PLAINTIFF. BUELTMAN sexually abused PLAINTIFF hundreds (possibly over 1,000) times between 1977 and 1985. Said abuse included BUELTMAN forcing PLAINTIFF to engage in oral sexual acts, fondling of PLAINTIFF'S genitals, forcing PLAINTIFF to fondle BUELTMAN'S genitals, attempting to force PLAINTIFF to anally sodomize BUELTMAN, and forcing PLAINTIFF to be photographed pornographically.

40. In or around approximately 1985, BUELTMAN directed PLAINTIFF to bring a friend and childhood contemporary on an unsupervised event, a vacation. BUELTMAN attempted to sexually abuse PLAINTIFF'S friend, and PLAINTIFF'S friend informed the friend's mother upon returning from the vacation. PLAINTIFF'S mother then learned of the sexual abuse of PLAINTIFF from the friend's mother, and confronted BUELTMAN, who admitted to the sexual abuse of PLAINTIFF.

41. After BUELTMAN admitted to sexually abusing PLAINTIFF, PLAINTIFF'S mother informed DEFENDANTS of the sexual abuse. DEFENDANTS took no action to notify law enforcement or other civil authorities. It is unclear whether DEFENDANTS took any internal action related to BUELTMAN'S sexual abuse of PLAINTIFF.

42. BUELTMAN groomed PLAINTIFF for purposes of furthering a relationship with him, the purpose of which was to sexually abuse PLAINTIFF in connection with his position as a volunteer of BBBS and FSW.

43. BUELTMAN groomed PLAINTIFF for purposes of furthering a relationship with him, the purpose of which was to sexually abuse PLAINTIFF in connection with BBBS and FSW sponsored activities.

44. BUELTMAN sexually abused PLAINTIFF in connection with his position as a volunteer of BBBS and FSW.

45. BUELTMAN sexually abused PLAINTIFF in connection with BBBS and FSW sponsored activities.

46. PLAINTIFF was sexually abused and exploited by BUELTMAN while in the exclusive custody and control of BUELTMAN and while BUELTMAN was acting in an official capacity as a BBBS and FSW servant, agent, and volunteer.

Relationship Between BBBS and FSW

47. Upon information and belief, at all times relevant to this complaint, FSW was a party to BBBS'S "Standards for Practice for One-to-One Service" ("Standards for Practice").

48. Upon information and belief, at all times relevant to this complaint, there was an Agreement ("Relationship Agreement") between BBBS and FSW which governed their relationship.

49. Upon information and belief, at all times relevant to this complaint, the Relationship Agreement required FSW to adopt and satisfy the Standards for Practice.

50. The Standards for Practice establishes standards that have been the hallmark of BBBS since 1922.

51. The Standards for Practice declares that it is a “comprehensive document, spelling out the values that guide the federation’s work” and “guide[s] affiliates in their overall operations.”

52. The vision statement contained in the Standards for Practice proclaims that, as the largest national network of mentoring organizations serving children, families and communities, BBBS has a vision to develop the resources, environment, and mechanisms to provide caring adults in the life of every child in need.

53. The Standards for Practice requires “an on-going examination of ‘best practices’ to not only reach and engage volunteers, but to sustain their involvement in Big Brothers Big Sisters service, at a variety of levels and opportunities.”

54. The use of the name Big Brothers Big Sisters “builds the highly valued base of national identity for capacity building and sustainability.”

55. The Standards for Practice establishes twenty-two standards of practice to which affiliates like FSW must adhere.

56. The Standards for Practice requires affiliates like FSW to develop comprehensive strategical planning processes, not limited to growth plans and marketing plans; that affiliates have quality assurance, financial management and fund development plans; that affiliates establish financial management practices that meet generally accepted accounting principles; risk management systems; human resource development and management systems; and written personnel policies.

57. The Standards for Practice requires each affiliate like FSW to employ a full-time executive; to pay competitive staff salaries; to require executive and case management staff to

have baccalaureate degrees; to maintain confidential personnel records on each employee; and to obtain criminal history records prior to hiring staff or assigning volunteers to staff positions.

58. The Standards for Practice also provides for casework manual procedures for volunteer intake, the matching process, and “regular supervisory contact with volunteer, parent/guardian and child.”

59. The Standards for Practice insists that affiliates like FSW “must follow” the process outlined unless an alternate process is requested and approved in writing by BBBS.

BBBS was Aware of the Dangers of Sexual Abuse within its Affiliates like FSW

60. In 1982, prior to the many of the acts of abuse Plaintiff suffered, the National Vice-President of BBBS published a report entitled “Child Sexual Abuse” (“Child Sex Abuse Report”).

61. The author of the Child Sex Abuse Report, noted attorney Donald L. Wolff, relied on a host of experts in the fields of mental health, psychology, medicine, social work, and more to assist the BBBS, the Affiliate agencies, the Executive Directors, professional staffs, parents, boards, volunteers and the community, in the detection, selection, supervision and investigative procedures of alleged abusers.

62. Mr. Wolff noted in the Child Sex Abuse Report that BBBS—“we who are in the field of providing service . . . to young children”—had actual knowledge that such service attracts child sexual abusers.

63. Wolff also recognized in the Child Sex Abuse Report that “[g]enerally it is agreed that child molestation type offenses do not involve physical force for the commission of the offense. In fact the reverse is more often true. The offender usually entices through indoctrination the child into the sexual behavior through either persuasion or entrapment in which the child is caused to feel indebted or obligated. Since we deal with boys and girls who

may have no adequate role model or parent figure in their lives, it is very characteristic to shower the child with new found approval . . . affection and attention with the new relationship. Money, gifts and new, exciting adventures for the child with this new friend all could be ways to pressure the child into approval for otherwise reluctant behavior. Clearly our clients are a 'high risk' for the potential abuser. The pedophilic applicant will generally try to encourage overnight visits, weekend stays at his home, or trips which involve travel very early in the relationship."

64. In a report entitled "Child Sexual Abuse: What We Have Learned" which was presented at the June, 1986 BB/BSA National Conference Child Sexual Abuse Symposium, Mr. Wolff warned that "the overwhelming area of concern is in the typical Big Brother-Little Brother match . . . our major emphasis is on the selection of our Big Brother applicants." ("What We Have Learned Report"). On information and belief, the information reflected in this report was known to Defendants before many of the incidents of abuse PLAINTIFF suffered.

65. In the What We Have Learned Report, Wolf emphasized that "whenever adult individuals are placed in contact with the children, BBBS could be responsible for their behavior at the special event as well as any conduct which might result from that initial contact . . . We need to be especially concerned about those individuals who seem to have some over-involvement with children . . . These individuals should be selected with scrutiny . . . The overwhelming percentages [of offenders] are for the Caucasian, single male . . . Most of the children assaulted were under the age of 15 . . . Almost twice as many reported incidents occurred in the second or subsequent match of the volunteer with a child." On information and belief, the information reflected in this report was known to Defendants before many of the incidents of abuse PLAINTIFF suffered.

66. Mr. Wolff also declared that since child victims frequently report sexual abuse after child sexual abuse training sessions, this “emphasizes the need for this kind of preventive training prior to the initiation of the match and not thereafter Therefore, I strongly recommend that agencies conduct prevention training as a part of the orientation phase to be conducted separately for the children in our programs, the mothers of the children and the volunteers themselves. These prevention training programs will show the individual who comes to our organization with the desire and intent to abuse that we are training the children in our program how to prevent that abuse We must show these individuals that we are prepared and that we are going to prepare our children how to avoid inappropriate behavior.” On information and belief, the information reflected in this report was known to Defendants before many of the incidents of abuse PLAINTIFF suffered.

67. Upon information and belief, BBBS and FSW implemented none of these recommendations that they themselves helped create, nor did they take other reasonable action to prevent the known risk of abuse of vulnerable children in their care, including PLAINTIFF.

AS AND FOR A FIRST CAUSE OF ACTION

(BBBS’S NEGLIGENT FAILURE TO SUPERVISE FSW)

68. PLAINTIFF re-alleges each of the preceding paragraphs.

69. DEFENDANTS created a special relationship with PLAINTIFF by inviting and encouraging him and his caregiver to participate in a close, personal, and largely unsupervised mentoring relationship with their volunteer BUELTMAN (who was, unbeknownst to PLAINTIFF and his mother, a pedophile and child molester). This special relationship created a duty of care on the part of DEFENDANTS to ensure PLAINTIFF’S safety while participating in DEFENDANTS’ activities and to control BUELTMAN’S conduct so that PLAINTIFF would

not be harmed. The special relationship also gave PLAINTIFF a right to protection by DEFENDANTS.

70. At all times material herein, the reputations of FSW and the BBBS were mutually dependent and indistinguishable.

71. Since at least 1982, DEFENDANTS knew that child-serving organizations such as BBBS and its affiliates were being used by pedophiles and child molesters to sexually abuse and exploit children.

72. Despite this knowledge, DEFENDANTS did not implement and/or enforce adequate child sex abuse prevention policies, practices, and procedures, and DEFENDANTS thereby created a foreseeable risk of harm to children including PLAINTIFF.

73. At all times relevant to this complaint, BBBS had a duty to supervise its local affiliates, including FSW, to ensure that they implemented the conclusions, recommendations, and guidance reflected in the Child Sex Abuse Report, the What We Have Learned Report, and the CDC Report.

74. At all times relevant to this complaint, BBBS had the means and ability to control its local affiliate FSW's operations through its Standards for Practice and Relationship Agreement.

75. The duty of a national organization like BBBS to take reasonable measures to guard against child sexual abuse by volunteers of affiliated local organizations is not a duty that can be declined by choice; BBBS could and should exercise such supervision given the known risk of harm to vulnerable at-risk children like PLAINTIFF.

76. BBBS also had a duty ensure that its local affiliates like FSW had rigorous recruitment, screening, and monitoring policies, practices, and procedures.

77. At all times relevant to this complaint, BBBS knew that predatory individuals like BUELTMAN were volunteering with local affiliates with the specific intention of sexually abusing and exploiting vulnerable at-risk children like PLAINTIFF.

78. FSW knew or should have known that failing to have policies, practices, and procedures governing recruitment, screening, and monitoring of predatory individuals like BUELTMAN would or could lead to the organization affirmatively and enthusiastically matching such individuals with vulnerable at-risk children like PLAINTIFF, thereby exposing them to sexual abuse and exploitation.

79. BBBS breached its duty as described above by committing one or more of the following negligent acts or omissions:

- a. Failing to supervise, monitor, review, or control the recruiting, matching, supervising, and monitoring policies, practices, and procedures of its local affiliate FSW;
- b. Failing to have in force and effect policies, practices, and procedures to prevent volunteers like BUELTMAN from having unrestricted unsupervised time with vulnerable at-risk children like PLAINTIFF;
- c. Failing to ensure that caregivers and Littles like PLAINTIFF were educated, informed, and warned about the prevalence and risk of childhood sexual abuse by volunteers like BUELTMAN; and
- d. Failing to supervise, inspect, monitor, review, and otherwise audit how its mission of helping at-risk and vulnerable children was being carried out by its local affiliate FSW.

80. It was entirely foreseeable that BBBS'S negligent failure to supervise its local affiliates created a risk of harm to at-risk children like PLAINTIFF.

81. As described above, DEFENDANTS' negligent failure to supervise its local affiliate was a proximate cause of PLAINTIFF'S severe mental and physical injuries, and his ongoing sexual exploitation, resulting in damages to be determined at trial.

82. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to HIS nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

83. That by reason of the foregoing, Defendants are also liable to PLAINTIFF for punitive and exemplary damages.

84. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

85. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

(NEGLIGENT RECRUITMENT, SCREENING, AND SUPERVISION OF BUELTMAN)

86. PLAINTIFF re-alleges each of the preceding paragraphs.

87. DEFENDANTS created a special relationship with PLAINTIFF by inviting and encouraging him and his caregiver to participate in a close, personal, mentoring relationship with a pedophile and child molester. This special relationship created a duty of care on the part

of DEFENDANTS to ensure PLAINTIFF'S safety while participating in DEFENDANTS' activities.

88. At all times material herein, FSW had a duty to exercise reasonable care in the recruiting, screening, and supervising of BUELTMAN.

89. FSW negligently breached its duty recruiting BUELTMAN to serve as an agent, volunteer, or representative of FSW.

90. It is entirely foreseeable that BBBS's negligent failure in recruiting, screening, and supervising BUELTMAN created a risk of harm to vulnerable at-risk children like PLAINTIFF.

91. FSW negligently breached its duty supervising BUELTMAN to serve as an agent, volunteer, or representative of FSW, including by failing to supervise or otherwise monitor BUELTMAN's prolific isolation of PLAINTIFF in situations where PLAINTIFF'S abuse by BUELTMAN would be concealed from PLAINTIFF'S mother and other adults.

92. As described above, DEFENDANTS' negligent failure in recruiting, screening, and supervising BUELTMAN was a proximate cause of PLAINTIFF'S severe mental and physical injuries, and his ongoing sexual exploitation, resulting in damages to be determined at trial.

93. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to HIS nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that

PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

94. That by reason of the foregoing, Defendants are also liable to PLAINTIFF for punitive and exemplary damages.

95. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

96. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

(NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT)

97. PLAINTIFF re-alleges each of the preceding paragraphs.

98. DEFENDANTS created a special relationship with PLAINTIFF by inviting and encouraging him and his caregiver to participate in a close, personal, mentoring relationship with a pedophile and child molester. This special relationship created a duty of care on the part of DEFENDANTS to ensure PLAINTIFF's safety while participating in DEFENDANTS' activities.

99. At all times material herein, FSW had a duty to supervise and monitor its volunteers, agents, or representatives, especially where it knew or had reason to know that volunteers like BUELTMAN were in a position to sexually abuse and exploit children, especially when unsupervised and unmonitored.

100. FSW breached this duty by committing one or more of the following negligent acts or omissions:

- a. Failing to properly supervise and monitor BUELTMAN'S interaction with PLAINTIFF;
- b. Failing to limit BUELTMAN to FSW supervised events, which allowed him to sexually abuse and exploit PLAINTIFF;
- c. On information and belief, failing to adequately review and monitor BUELTMAN'S interaction with his prior Littles which would have revealed his pattern of predatory behavior;
- d. Failing to question BUELTMAN'S unusual interest in taking PLAINTIFF on trips alone, which would have suggested BUELTMAN'S abusive motives; and
- e. On information and belief, failing to conduct exit or follow-up interviews with former Littles which could have revealed BUELTMAN' predatory behavior.

101. As described above, DEFENDANTS' negligent failure in supervising and monitoring BUELTMAN was a proximate cause of PLAINTIFF'S severe mental and physical injuries, and his ongoing sexual exploitation, resulting in damages to be determined at trial.

102. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to HIS nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

103. That by reason of the foregoing, Defendants are also liable to PLAINTIFF for punitive and exemplary damages.

104. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

105. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION

(NEGLIGENT FAILURE TO WARN)

106. PLAINTIFF re-alleges each of the preceding paragraphs.

107. DEFENDANTS created a special relationship with PLAINTIFF by inviting and encouraging him and his caregiver to participate in a close, personal, mentoring relationship with a serial pedophile and child molester. This special relationship created a duty of care on the part of DEFENDANTS to ensure PLAINTIFF'S safety while participating in DEFENDANTS' activities.

108. At all times material herein, DEFENDANTS had a duty to educate, inform, and warn caregivers and Littles like PLAINTIFF about the prevalence and risk of childhood sexual abuse, especially when it knew or had reason to know that volunteers like BUELTMAN were in a position to sexually abuse and exploit children.

109. DEFENDANTS negligently breached this duty by failing to provide any information to PLAINTIFF or PLAINTIFF'S mother that Littles were at any risk of sexual abuse by volunteers like BUELTMAN.

110. It is entirely foreseeable that DEFENDANTS' negligent failure to educate, inform, and warn PLAINTIFF and PLAINTIFF'S mother created a risk of harm to vulnerable at-risk children like PLAINTIFF.

111. As described above, DEFENDANTS' negligent failure to educate, inform, and warn was a proximate cause of PLAINTIFF's severe mental and physical injuries, and his ongoing sexual exploitation, resulting in damages to be determined at trial.

112. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to HIS nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

113. That by reason of the foregoing, Defendants are also liable to PLAINTIFF for punitive and exemplary damages.

114. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

115. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION

(NEGLIGENT MISREPRESENTATION)

116. PLAINTIFF re-alleges each of the preceding paragraphs.

117. Since at least 1982, DEFENDANTS knew that child-serving organizations such as BBBS and its affiliates were being used by pedophiles and child molesters to sexually abuse and exploit children.

118. DEFENDANTS created a special relationship with PLAINTIFF by inviting and encouraging him and his mother PLAINTIFF'S mother to participate in a close, personal, mentoring relationship with a serial pedophile and child molester. This special relationship created a duty of care on the part of DEFENDANTS to ensure PLAINTIFF's safety while participating in DEFENDANTS' activities.

119. DEFENDANTS had a duty to disclose to PLAINTIFF and his caregiver that vulnerable at-risk children were and could be sexually groomed and abused by volunteers like BUELTMAN.

120. DEFENDANTS failed to disclose this information and instead affirmatively promoted its programs as safe and risk-free for Littles like PLAINTIFF.

121. The non-disclosed information was material to ensure the safety and wellbeing of vulnerable at-risk children like PLAINTIFF.

122. The non-disclosed information was well-known to DEFENDANTS.

123. Given the clear and established risk of serious harm to vulnerable at-risk children like PLAINTIFF, and the special relationship DEFENDANTS invited and encouraged with PLAINTIFF, DEFENDANTS had a legal duty to communicate this information.

124. As described above, DEFENDANTS' negligent misrepresentations were a proximate cause of PLAINTIFF's severe mental and physical injuries, and his ongoing sexual exploitation, resulting in damages to be determined at trial.

125. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to HIS nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information

and belief, some or all of these injuries are of a permanent and lasting nature; and that PLAINTIFF as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.


126. That by reason of the foregoing, Defendants are also liable to PLAINTIFF for punitive and exemplary damages.

127. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

128. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
October 14, 2019



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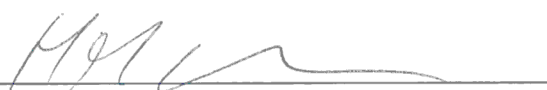
VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
October 14, 2019


MICHAEL G. DOWD
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